

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla

Subfile Nos. CHTA-001-0001  
CHTA-001-0002  
CHTA-001-0003  
CHTA-002-0001  
CHTA-002-0002  
CHTA-002-0003  
CHTA-003-0001

**MOTION FOR STAY**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (State) and by and through its counsel moves the Special Master to enter an order staying the proceedings in the disputed subfiles listed above that are subject to the Scheduling Order entered December 15, 2005 (Doc. No. 8103) and as grounds states as follows:

Under the Scheduling Order entered December 15, 2005, the State and the Defendants in the above-referenced subfiles were required to make initial discovery disclosures no later than April 10, 2006. The State completed this disclosure as required. As discussed at the May 8<sup>th</sup> general status conference in Santa Fe, to date, no Defendants have provided the State with any of the required information. The Defendants are *pro se* and may not understand their obligations under the Scheduling Order.

Rather than request a determination of the Defendants' water rights by entry of a default

judgment for failure to comply with the provisions of the Scheduling Order, the State requests that the Special Master stay the proceedings in the above-referenced subfiles and require the Defendants associated with those subfiles to attend a conference with the Court.

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was mailed to following this 15<sup>th</sup> day of May 2006:

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and transmitted by ACE filing to the following this same day:

Special Master Vickie L. Gabin

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/s/ Ed Newville  
Edward G. Newville